

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 7276**

**BILL NUMBER:** HB 1212

**NOTE PREPARED:** Apr 4, 2003

**BILL AMENDED:** Apr 3, 2003

**SUBJECT:** Purchase and Resale of Used Jewelry by Jewelers.

**FIRST AUTHOR:** Rep. Fry

**FIRST SPONSOR:** Sen. Zakas

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- (A) It requires jewelers to maintain books, accounts, bill of sales, and records concerning the purchase and resale of used jewelry. It requires jewelers to make records available to a law enforcement agency.
- (B) It prohibits jewelers from purchasing used jewelry: (1) from an individual under 18 years of age; and (2) the jeweler knows or has reason to believe is stolen property.
- (C) It allows law enforcement officers to obtain jewelers' records.
- (D) It makes a violation of these provisions a Class A misdemeanor.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** (Revised) The bill establishes a Class A misdemeanor for violation of the provisions of the chapter.

If additional court cases occur and fines are collected for the Class A misdemeanor, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** A Class A misdemeanor is punishable by up to one year in jail. The

average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies prosecuting attorney.

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852